

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:23-cv-00442-MR**

KIMBERLY MICHELLE BROWN,)
)
Plaintiff,)
)
vs.) **ORDER**
)
ALBERT KEITH LAMBERT,¹)
)
Defendant.)
)

THIS MATTER is before the Court on the Sealed Notice [Doc. 15] filed by the North Carolina Department of Adult Corrections regarding the Court's Request for Waivers of Service [see Doc. 10].

The Complaint passed initial review against Defendant Albert Keith Lambert, and the Court initiated the procedure for waiver of service. [Docs. 9, 10]. NCDAC is unable to waive service for the Defendant, who is no longer employed with NCDAC, and it has provided the Defendant's last known address under seal. [See Doc. 15].

¹ "Kevin Lambert" in the Complaint. The Clerk will be instructed to correct the Court's record to reflect the Defendant's correct name. [See Doc. 15].

The Clerk will be directed to notify the U.S. Marshal that Defendant Lambert needs to be served with the summons and Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendant Lambert cannot be served at the address provided by NCDAC, the U.S. Marshal shall be responsible for locating his home address so that he may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915....”).

If the U.S. Marshal is unable to obtain service on Defendant Lambert, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendant’s home address to the *pro se* incarcerated Plaintiff and shall file any document containing such address under seal.

IT IS, THEREFORE, ORDERED that the U.S. Marshal shall use all reasonable efforts to locate and obtain service on **Defendant Albert Keith Lambert**. If the U.S. Marshal is unable to obtain service on Defendant

Lambert, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.

The Clerk is respectfully instructed to mail a copy of the Complaint [Doc. 1], the Sealed Notice containing the Defendant's last known address [Doc. 15], and this Order to the U.S. Marshal.

IT IS FURTHER ORDERED that the Clerk is instructed to substitute Albert Keith Lambert for "Kevin Lambert" in the Court's record.

IT IS SO ORDERED.

Signed: November 6, 2023



Martin Reidinger
Chief United States District Judge

